



PATENT
Customer No. 72207
Attorney Docket No. 01035.0033-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

John F. BOYLAN et al.

Application No.: 10/764,841

Filed: January 26, 2004

For: NITINOL ALLOY DESIGN FOR
SHEATH DEPOLYABLE AND
RE-SHEATHABLE VASCULAR
DEVICES

)
) Group Art Unit: 3731

)
) Examiner: SEVERSON, Ryan J.
)
) Confirmation No. 9783

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the listed documents on the attached PTO SB/08 Form. This Information Disclosure Statement is being concurrently with a Request for Continued Examination in the above-referenced application.

A copy of the listed non-patent literature document is attached. This document was published as part of the proceedings for "The Shape Memory and Superelastic Technologies" Conference (SMST-2003), held from May 5 to 8 May 2003, Asilomar Conference Center, Pacific Grove, California. As the present application has an effective filing date, via parent patent 6,706,053, of April 28, 2000, the attached document does not represent prior art to the claimed invention. Rather, this document

is cited to further support the patentability and non-obviousness of the claimed invention.

Applicants respectfully request that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited document do not constitute "prior art" under United States law, Applicants reserve the right to present to the Patent Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 15, 2007

By: Jennifer R. Leach
Jennifer R. Leach
Reg. No. 54,257

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

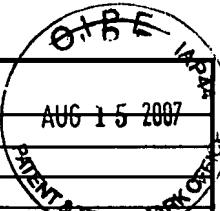
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of

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Complete if Known

Application Number	10/764,841
Filing Date	January 26, 2004
First Named Inventor	John F. BOYLAN et al.
Art Unit	3731
Examiner Name	SEVERSON, Ryan J.
Attorney Docket Number	01035.0033-01000



U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁸
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

NONPATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
		BOYLAN, John F., "The Development of Radiopaque Nitinol," Guidant Corporation, Endovascular Solutions, Temecula, CA, pp. 1-6, proceedings from "The Shape Memory and Superelastic Technologies Conference" (SMST-2003), 5 May to 8 May 2003, Asilomar Conference Center, Pacific Grove, California.	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

PTO Notes regarding this form:

¹ Applicant's unique citation designation number (optional).

² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**